

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

**FEDERICO FLORES, JR.,
MARIA GUERRERO, and
VICENTE GUERRERO,
*Plaintiffs,***

V.

**RUTH R. HUGHS, IN HER OFFICIAL
CAPACITY AS TEXAS SECRETARY OF
STATE, and ARMANDINA MARTINEZ,
ALMA GARCIA, ALICIA DOUGHERTY
NO. 1, ALICIA DOUGHERTY NO. 2,
YOLANDA MARTINEZ,
*Defendants.***

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Case No. 7:18-cv-113

**DEFENDANT RUTH R. HUGHS' UNOPPOSED MOTION FOR LEAVE TO
APPEAR FOR MOTION HEARING VIA TELEPHONE**

On January 22, 2020, the Court set a hearing on the parties' competing motion for summary judgment for March 25, 2020. *See* Dkt. No. 85. The undersigned counsel, representing Defendant Ruth R. Hughs in her official capacity as Texas Secretary of State, respectfully requests leave to appear for the hearing by telephone.

Recently, federal, state and local governments have urged Americans to socially distance in an effort to curb the spread of the coronavirus. In light of the ongoing coronavirus pandemic, the Southern District of Texas has issued guidance to attorneys indicating that “[a]ttorneys are encouraged to appear by telephone or video for nonevidentiary hearings when possible.” See <https://www.txs.uscourts.gov/>. And the Center for Disease Control (CDC) has explained that “[c]rowded travel settings, like airports, may increase chances of getting COVID-19, if there are other travelers with coronavirus infection.” See *Coronavirus and Travel in the United States*, available at <https://www.cdc.gov/coronavirus/2019-ncov/travelers/travel-in-the-us.html>. If the

motion hearing is held in person, undersigned counsel would most likely need to take a flight to attend the hearing.

Based on the facts and circumstances described above, it is in the best interests of the parties and the public health for the forthcoming hearing to be conducted via telephone. The motion hearing on March 25 will be a nonevidentiary hearing. Thus, no party will be prejudiced by the hearing being conducted telephonically. Moreover, undersigned counsel has conferred with counsel for Plaintiffs and counsel for the EVBB Defendants, and they are unopposed to this motion.

For these reasons, Defendant respectfully requests leave to appear for the March 25 hearing telephonically.

Dated: March 18, 2020.

Respectfully submitted.

KEN PAXTON
Attorney General of Texas

JEFFERY C. MATEER
First Assistant Attorney General

DARREN L. MCCARTY
Deputy Attorney General for Civil Litigation

THOMAS A. ALBRIGHT
Chief, General Litigation Division

/s/ Michael R. Abrams
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**Counsel for Defendant Ruth R. Hughs, in
her Official Capacity as Texas Secretary
of State**

CERTIFICATE OF CONFERENCE

I hereby certify that on March 17, 2020, I conferred with counsel for Plaintiffs and counsel for the EVBB Defendants. All parties are unopposed to this motion.

/s/ **Michael R. Abrams**

Michael R. Abrams

Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed electronically with the Court and delivered by CM/ECF on March 18, 2020, to all counsel of record.

/s/ **Michael R. Abrams**

Michael R. Abrams

Assistant Attorney General